

REMARKS

Claims 1, 3 – 23, 25 – 46, and 48 are pending in the subject application. Claims 1 – 23 and 25 – 48 have been examined: claims 1 – 18, 20 – 23, 25 – 43, 47, and 48 stand rejected, and claims 19 and 44 – 46 are indicated as containing allowable subject matter. By the above amendments, the subject matter of claims 2 and 47 has been incorporated into parent claims 1 and 33, respectively, and claims 2 and 47 have been canceled. Favorable reconsideration of the application and allowance of all of the pending claims are respectfully requested in view of the above amendments and the following remarks.

Claims 1 – 18, 20 – 23, 25 – 43, 47, and 48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,257,273 to Knowd in view of U.S. Patent No. 4,648,572 to Sokol. Applicant respectfully traverses this rejection insofar as it applies to the amended claims.

Amended independent claim 1 sets forth an SPL meter that is temporarily mountable in a motor vehicle, comprising: an SPL meter including a housing, a pressure sensor, a mode selector input device, and a display, wherein the housing includes opposing top and bottom surfaces, two opposing side surfaces, a front face and a rear face opposing the front face, and wherein the pressure sensor is contained within the housing, and wherein the SPL meter is configured to measure sound pressure levels within a motor vehicle; and a temporary mounting mechanism coupled to the housing of the SPL meter, wherein the temporary mounting mechanism affixes the SPL meter to a surface within the motor vehicle, such that the SPL meter is selectively removable from the motor vehicle. Amended independent method claim 33 contains comparable limitations.

Applicant respectfully disagrees that any combination of Knowd and Sokol would have rendered obvious the subject matter of claims 1 and 33, since neither reference discloses a pressure sensor contained within the housing of an SPL meter, where the housing includes top, bottom, side, front and rear surfaces. As shown in Fig. 1 of Knowd, the acoustical transducer 14 is exterior to the housing 12 and is connected to the housing via a cable 16 (see col. 2, lines 9-14). Contrary to the Examiner's assertion, Fig. 2 does not suggest that Knowd's transducer 14 is

Amendment
U.S. Patent Application No. 10/695,771

within housing 12; rather, Knowd's Fig. 2 merely illustrates that the transducer 14 comprises a microphone 36 and a preamplifier 38 within an enclosure (see col. 2, lines 19-25). This enclosure, however, is not a housing that includes opposing top and bottom surfaces, two opposing side surfaces, a front face and a rear face opposing the front face, as required by Applicant's claims. Sokol is cited for a teaching of a mounting mechanism and does not disclose an SPL meter, much less one with a pressure sensor within a housing as claimed. Thus, no combination of Knowd and Sokol teaches the claimed internal pressure sensor.

Moreover, it would not have been obvious to adapt Knowd's SPL meter to incorporate the transducer 14 into housing 12. The SPL meter of the present invention advantageously incorporates the pressure sensor into the housing, because the SPL meter is specifically tailored to be mounted and used in a motor vehicle. The internal pressure sensor results in a more compact design, is more convenient to use in that context, and provides more consistent measurements. Knowd's SPL meter is not specifically designed to be mounted and used in a motor vehicle, and in any event there is no apparent suggestion or motivation to modify Knowd's SPL to incorporate the transducer 14 into the housing 12.

As Applicant noted in the previous response, there is no suggestion in Knowd that the disclosed SPL meter is configured to measure sound pressure levels within a motor vehicle. Rather, Knowd explains at column 1, lines 1 – 14, that the SPL meter can be used by law enforcement agencies to measure automotive and truck noise levels. This passage clearly refers to environmental (road) noise caused by traffic, which is external to such vehicles. Naturally, Knowd's SPL meter would measure sound pressure levels in whatever environment it is placed; however, it is not the case that Knowd's SPL meter is particularly configured or tailored to measure sound pressure levels within a motor vehicle. Thus, the suggestion in Knowd's disclosure use the SPL meter to monitor external vehicular noise levels certainly does not provide any motivation for reconfiguring Knowd's SPL meter from the embodiment shown in Fig. 1. Thus, for all of the foregoing reasons, Applicant respectfully submits that the subject matter of claims 1 and 33 and their dependent claims would not have been obvious from any

Amendment
U.S. Patent Application No. 10/695,771

combination of Knowd and Sokol. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection over these references.

With regard to specific dependent claims, amended claim 21 (21/1) requires the housing to include opposing top and bottom surfaces, two opposing side surfaces, a front face and a rear face opposing the front face, wherein the display and the mode selector input device are disposed on the front face. Claim 22 (22/21/1) further requires the front face (which includes the display) to be smaller than the top and bottom faces. Dependent claim 48 (48/33) includes similar limitations. This configuration permits the display and control to be oriented toward the passengers while providing a large surface to couple to the temporary mounting mechanism. In sharp contrast, Knowd's display face is on the largest surface of the SPL meter, in the conventional manner, which makes Knowd's SPL meter awkward and unsuitable for mounting in a motor vehicle. There is no obvious manner in which Knowd's SPL meter could be adapted to meet these claim requirements, and no apparent motivation to do so. Accordingly, these claims should be allowable for this additional reason.

Dependent claims 11 (11/1), 13 (13/12/1), and 27 (27/21/1) all require the temporary mounting mechanism to comprise a bracket pivotally coupled to the housing. As shown in Fig. 2C, this pivotal bracket allows the SPL meter to easily be secured to the windshield while resting on the dashboard. Sokol, which is relied upon for a teaching of a temporary mounting mechanism, does not disclose or suggest the claimed pivotal bracket; accordingly, the subject matter of these claims would not have been obvious from any combination of Knowd and Sokol for this additional reason.

In view of the foregoing, Applicant respectfully requests the Examiner to find the application to be in condition for allowance with claims 1, 3 – 23, 25 – 46, and 48. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

Amendment

U.S. Patent Application No. 10/695,771

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 05-0460.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patrick J. Finnan', is written over a horizontal line.

Patrick J. Finnan

Registration No. 39,189

EDELL, SHAPIRO & FINNAN, LLC
1901 Research Boulevard, Suite 400
Rockville, Maryland 20850-3164
(301) 424-3640

Hand Delivered on: November 18, 2005